DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H15-0825-19**	**Applicant:**	**Red Roof Developments**
Proposal:	Demolition of bungalow and construction of new 1.5-storey dwelling		
Location:	45 Water Gate Quadring Spalding		
Terminal Date:	14th October 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
04	Approach to Flood Risk
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2019

Sections 5 & 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application for demolition of a bungalow and construction of new 1.5 storey dwelling at 45 Water Gate, Quadring. The proposal seeks to provide a living room, kitchen / dining area, water closet and utility, with an attached garage to the front elevation. Three bedrooms, an en-suite, bathroom and wardrobe room are to be sited at first floor level. With regard to flood risk, the site is located in Environment Agency Flood Zone 3 but is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The proposed finished floor level will be 300mm above existing ground level. Roof tiles will be Marley Modern Smooth Grey with Forterra Hampton Rural Blend brickwork.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design.

History

None

Consultation Responses

Environmental Protection Officer

No objections.

Historic Environment Officer

No archaeological impact.

County Highway & SUDS Officer

Requested an amended plan to show a light duty flexible dropped access as the curtilage boundary land is in the ownership of the County Council. This plan has been received and the allocated Highways Officer has no objections.

Planning Considerations

Principle of development
Flood risk
Impact on character of area / neighbour amenity.

Principle of development

The site is within the defined settlement limits of Quadring and located on a frontage plot. Therefore the principle of development in this location is considered to be acceptable.

Flood risk

In terms of flood risk, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas

of higher risk. Paragraph 158 of the National Planning Policy Framework advises that: "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding." For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The site, as situated, is located within Flood Zone 3 of the Environment Agency's Flood Map for Planning. The latest Agency Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South Holland Strategic Flood Risk Assessment (2017) is therefore used as a basis to apply the sequential test. In this respect, the site is located not within an area identified as increased hazard or flood depth. However, it is not possible, consistent with wider sustainability objectives, for all new housing within the district to be delivered within areas outside of Flood Zone 2 or 3. It is considered that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the NPPF) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the National Planning Policy Framework and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

If it is not possible to locate the development within an area of lower flood risk, the exceptions test should be applied. The NPPF and the PPG set out two elements to the Exceptions Test. First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing in a sustainable location within the district. In terms of the latter, the finished floor levels (FFLs) be set at least 300mm above existing ground level. Flood resilient construction should also be incorporated within the development up to 300mm above finished floor level.

Design / Impact on neighbour amenity

The height of the roof does not exceed the height of the adjacent semi-detached cottages to the east, and the separation distance to the bungalow to the west is such that overshadowing or overbearing impacts do not come into play. There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the site or the surrounding area.

Given the comparatively small size of the plot in relation to nearby sites, it is considered that a removal of permitted developments is appropriate in this instance. This should help to prevent problems from overdevelopment or overlooking that would normally not require householder planning permission.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 10, 11 and 17 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5 and 12 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.